

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Anthony J. DiBenedetto  
205 Saint James Avenue, #303  
Goose Creek, S.C. 29445.

SCDOI File Number 2004-121996

**Consent Order  
Imposing Administrative Penalty and a  
Probationary Period, as Pre-Condition  
To Become Licensed**

This matter comes before me pursuant to an agreement entered into, between the State of South Carolina Department of Insurance and Anthony J. DiBenedetto, an applicant for a South Carolina resident insurance producer license with added Property and Casualty authorities.

On or about May 18, 1999, Mr. DiBenedetto was issued an Individual Resident Insurance Agent License. Then, on May 26, 2004, he requested that his current license be amended, to add Property and Casualty authorities. The Department denied this Application because a report compiled by the South Carolina State Law Enforcement Division and attached to the Application revealed that Mr. DiBenedetto had been convicted in 2003 by the South Carolina Circuit Court of General Sessions, Charleston County, of "Two Counts of Fraudulent Checks" in The State v. Anthony DiBenedetto. Mr. DiBenedetto had failed to notify our Department of these convictions. S.C. Ann. §38-43-247(B) requires a producer to report any criminal conviction within thirty days.

Mr. DiBenedetto requested a public hearing upon the Department's denial of the application. Subsequently, though, the parties agreed that, rather than contesting this matter, they would submit the entire matter to me, along with their specific recommendations, for my summary decision based solely on the record. The mutual recommendation was that Anthony DiBenedetto would be granted a resident insurance agent license with Property and Casualty authorities, upon the submission of an administrative fine in the total amount of \$1,500 dollars. Additionally, Mr. DiBenedetto would be placed on one year Probationary Period.

Section 38-43-50 of the South Carolina Code requires an applicant for licensure as a South Carolina resident insurance agent to be "trustworthy." Mr. DiBenedetto's failure to properly disclose and detail his prior conviction calls into question his moral fitness. I can, therefore, deny the Application. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2003), and after carefully considering the recommendation of the parties, I hereby conclude that the appropriate sanction for Mr. DiBenedetto's above cited violations of the insurance laws of this State, as a prerequisite to his eligibility for issuance of his license to transact business as a State of South Carolina resident insurance agent, is the submission of an administrative penalty in the total amount of \$1,500.00, and one year of Probation.

The parties have reached this agreement through negotiation and compromise and in consideration of the nature of the conviction at issue, Mr. DiBenedetto's clean record since that time and other mitigating circumstances. It is further agreed by the parties that the total amount of the administrative penalty must, pursuant to the provisions of S.C. Code Ann. § 38-43-130 (Supp. 2003), be paid within fifteen (15) days from the date of my signature upon this consent order. If that total penalty amount is not properly paid on or before that date, the denial of the application will be deemed final without further administrative proceedings. The parties expressly agree and understand Mr. DiBenedetto's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order Anthony J. DiBenedetto acknowledges that he understands this consent order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2003).

Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2003).

It is, therefore, ordered that, within fifteen days from my date and signature upon this consent order, Anthony DiBenedetto shall pay through the Department an administrative penalty in the total amount of \$1,500.00 and be placed on Probation during a period of one year, thereafter. This consent order is this Department's written consent for Anthony DiBenedetto to engage in the business of insurance pursuant to the Federal Violent Crime Control & Law Enforcement Act of 1994, 18 USC Section 1033 (e)(2).

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for its distribution to its member states and a copy be placed in Mr. DiBenedetto's licensing file.

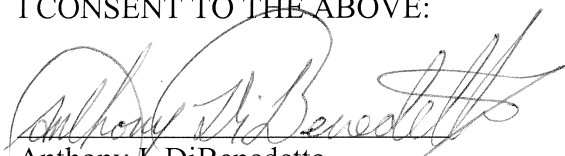
This order takes effect upon the date of my signature below.



Ernst N. Csiszar  
Director of Insurance

Aug 2  
July 26, 2004, at  
Columbia, South Carolina

I CONSENT TO THE ABOVE:



Anthony J. DiBenedetto  
340 B Kentucky Drive  
Ladson, South Carolina 29456

Dated this 26 day of July, 2004.